

NOTICE OF PUBLIC HEARING

The Madison County Board of Supervisors will hold a public hearing on October 29, 2019, at 6:00 p.m., or as soon thereafter as other business has been completed, in the auditorium of the Madison County Administration Center, 414 North Main Street, Madison, Virginia, to receive public comment and consider adoption of an Ordinance for the following purpose:

To require criminal history investigation for certain Madison County employment applicants.

The public is invited to attend the public hearing and comment on the aforesaid Ordinance. A copy of the proposed Ordinance are on file in the Office of the Madison County Board of Supervisors at 302 Thrift Road, Madison, Virginia 22727 during normal business hours or viewed via a link at <https://www.madisonco.virginia.gov/news>.

Sean D. Gregg
Madison County Attorney

PUBLISH: Thursday, October 10, 2019
Thursday, October 17, 2019

**ORDINANCE TO REQUIRE A CRIMINAL HISTORY INVESTIGATION FOR
CERTAIN MADISON COUNTY EMPLOYMENT APPLICANTS**

ORDINANCE #2019-_____

WHEREAS, the County's personnel consultant has recommended the adoption of a criminal background check ordinance, and

WHEREAS § 15.2-1505.1 of the Code of Virginia indicates that a locality may by ordinance, and in accordance with § 19.2-389 of the Code of Virginia, require applicants upon offer of employment with the locality to submit to fingerprinting and to provide personal descriptive information.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, as follows:

1. Review of criminal history record information of applicants for county employment.

- a. The county administrator or his designee shall, in the interest of public welfare and safety, conduct investigations of all applicants to whom a conditional offer of employment is made to determine if the past criminal conduct of an applicant with a conviction record would be compatible with the nature of the employment under consideration, in accordance with Virginia Code § 15.2-1505.1, as amended.
- b. Except as set forth in (c) below, the county administrator or his designee shall require such applicants to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the central criminal records exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.
- c. Applicants for the position of officer of election with the county's office of the general registrar shall not be required to submit to fingerprinting but shall be required to provide personal descriptive information to be forwarded through the central criminal records exchange for the purpose of obtaining criminal history record information.
- d. Criminal history record information shall be confidential.
- e. If an applicant is denied employment because of information appearing in his criminal history record, the county administrator or designee shall notify the applicant that information obtained from the central criminal records exchange contributed to such denial.

2. This Ordinance shall be effective upon adoption.

ENACTED this ____ day of _____, 2019, on motion of Supervisor _____, seconded by Supervisor _____.

R. Clay Jackson, Chair
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

Attest:

Jack Hobbs
Madison County Administrator

§ 19.2-389. Dissemination of criminal history record information.

- A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

...

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

...

§ 15.2-1505.1. Applicant preemployment information.

A locality may by ordinance, and in accordance with § [19.2-389](#), require applicants upon offer of employment with the locality to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Such applicants shall, if required by ordinance, pay the cost of the fingerprinting or criminal records check or both.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the chief administrative officer of the locality or his designee, who must belong to a governmental entity. In determining whether a criminal conviction directly relates to a position, the locality shall consider the following criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (iv) the relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of the person's past criminal activity; (vi) the age of the person at the time of the commission of the crime; (vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime; (viii) the conduct and work activity of the person prior to and following the criminal activity; and (ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

If an applicant is denied employment because of information appearing in his criminal history record, the locality shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided for in this section.